

- 6) (Amended) Disposable absorbent article (2) according to claim [5] 1 wherein said side wrapping elements (5) are attached to said garment facing surface along a longitudinal line (27) over a length of not more than 50% of the length of said foldline (25).

REMARKS

35 U.S.C. §112 Rejections

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended Claim 1 to remove the incorrect spelling of the word "form". Applicant has eliminated the term "crotch portion" from Claim 1, thus obviating the Examiner's antecedent basis rejection. Claim 10 has been canceled without prejudice.

Therefore, Applicant respectfully requests reconsideration and allowance of Claims 1-4 and 6-9 over the Examiner's 35 U.S.C. §112, second paragraph, rejection.

35 U.S.C. § 102(e) Rejections

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Widlund (U.S. Patent No. 5,454,804). Claims 5 and 10 have been canceled without prejudice.

Applicants respectfully disagree with the Examiner. First, despite the Examiner's contentions, Widlund '804 does not provide Applicant's fold lines. Widlund '804, in fact, does not provide fold lines at all. Instead Widlund '804 provides end edges 6, 7 which are straight (see col. 5, lines 55-56). Applicant's fold lines, as now claimed in Claim 1, are curvilinear. Support for Applicant's amendment can be found in Fig. 3 (which clearly shows curvilinear fold lines)

and on page 15, lines 22 (i.e., "The folding line 25 does not need to be a straight line...").

According to MPEP § 2131 a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. The elements must be arranged as required by the claim.

Since Widlund '804 does not claim or teach curvilinear fold lines, i.e., a missing element, Applicant respectfully contends that Widlund '804 does not anticipate Applicant's invention. Applicant therefore requests reconsideration and allowance of Claims 1-4 and 6-9.

SUMMARY

All of the rejections in the Office Action have been discussed as have the distinctions between the cited references and the claimed invention.

In light of the discussions contained herein, Applicants respectfully request reconsideration of the rejections and their withdrawal, and all of the claims allowed.

Issuance of a Notice of Allowance at an early date is earnestly solicited.

Respectfully submitted,

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AMENDED CLAIMS

- A1
- 1) A disposable absorbent article (20) for wear in an undergarment, comprising: a longitudinal axis (L) and a transverse axis (T), said disposable absorbent article comprising a main body portion (21) having longitudinal side edges (23) substantially extending parallel to said longitudinal axis (L) and having transverse side edges (22) substantially extending parallel to said transverse axis (T), said main body portion (21) further having a wearer facing surface and a garment facing surface, and said disposable absorbent article composing side wrapping elements (50) being pre-positioned in an in-use-position prior to use of the disposable absorbent article, the side wrapping elements being attached to the main body portion about a pair of curvilinear fold lines.
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- A2
- 6) Disposable absorbent article (2) according to claim 1 wherein said side wrapping elements (5) are attached to said garment facing surface along a longitudinal line (27) over a length of not more than 50% of the length of said foldline (25).
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